

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 12, 2004

04-1530

VOTING AGENDA MEETING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR LAURA MILLER, PRESIDING

PRESENT: [15 Miller, Loza, Hill, Garcia, Oakley, Thornton Reese, Salazar, Chaney, Fantroy,
Griffith, Blaydes, Finkelman, Greyson, Rasansky, Lill

ABSENT: [0]

The meeting was called to order at 9:15 a.m.

The city secretary announced that a quorum of the city council was present.

Mayor Miller asked all members of the city council and the audience to stand for a moment of silence.

The meeting agenda, which was posted in accordance with Chapter 551, "OPEN MEETINGS," of the Texas Government Code, was presented.

After all business properly brought before the city council had been considered the city council adjourned at 7:09 p.m.

Mayor

ATTEST:

City Secretary

The meeting agenda is attached to the minutes of this meeting as EXHIBIT A.

The actions taken on each matter considered by the city council are attached to the minutes of this meeting as EXHIBIT B.

Ordinances, resolutions, reports and other records pertaining to matters considered by the city council, are filed with the city secretary as official public records and comprise EXHIBIT C to the minutes of this meeting.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 12, 2004

EXHIBIT A

6/15/04 1:31 PM
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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 12, 2004

EXHIBIT B

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1531

CITIZEN SPEAKERS

In accordance with the City Council Rules of Procedure, the city council provided "open microphone" opportunities for the following individuals to comment on matters that were scheduled on the city council voting agenda or to present concerns or address issues that were not matters for consideration listed on the posted meeting agenda:

OPEN MICROPHONE - BEGINNING OF MEETING:

SPEAKER: Richard Sheridan, 3022 Forest Ln.
SUBJECT: Homeless and the Trinity River Plan

SPEAKER: Harold Ginsburg, 2610 Fairmount St. **CANCELED**
SUBJECT: Love Partners / Reeves St.

SPEAKER: Tina Williams, 4038 Lemmon Ave.
REPRESENTING: Hunger Busters
SUBJECT: Ten year plan for homeless

SPEAKER: Gordon Markley, 4339 Vandelia St.
SUBJECT: City services

SPEAKER: Roy Williams, 5881 Preston View Blvd.
REPRESENTING: Dallas County Green Party
SUBJECT: Cadillac Heights / Strong mayor form of government

ADDITIONAL OPEN MICROPHONE – BEGINNING OF MEETING:

SPEAKER: Charles Goodson, 7970 Leigh Ann Dr. **NO SHOW**
SUBJECT: Community issues

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Patrick Seay, 932 Montclair Ave.
REPRESENTING: Loud music at night / Cars in the neighborhood

SPEAKER: Charles Goodlow, Jr., 3880 S. Walton Walker Blvd.
SUBJECT: Trouble in getting legal assistance

SPEAKER: Tom Gibbons, 7947 Clifford Dr.
SUBJECT: Threatened with arrest for criminal trespassing

OPEN MICROPHONE – SPOKE IN THE LAST 30 DAYS:

SPEAKER: Evelyn Daniel, 210 S. Lancaster **NO SHOW**
SUBJECT: Political white-collar crime / Reorganization of the rape procedure

SPEAKER: William Hopkins, 2011 Leath
SUBJECT: Adultery

SPEAKER: Michealle Frey, 1220 Stinnett Pl., Desoto **CANCEL**
REPRESENTING: Steelworkers Association
SUBJECT: Addendum Item 4 – City of Dallas Employees’ Retirement Fund

SPEAKER: Marvin Crenshaw, 5134 S. Malcolm X Blvd.
REPRESENTING: Citizens Organized for a Representative Democracy
SUBJECT: 14-1

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1532

Item 1: Approval of Minutes of the April 28, 2004 City Council Meeting

Councilmember Oakley moved to approve the minutes with the following correction. Councilmember Finkelman stated that on agenda item 69 there was a typographical error.

Motion seconded by Councilmember Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1533

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-28 and addendum addition consent agenda item 1 was presented for consideration.

Councilmember Greyson requested that consent agenda items 7 and 13 be considered as individual items. Mayor Miller stated that consent agenda items 7 and 13 be considered as individual items later in the meeting, there being no objection voiced to Councilmember Grayson's request.

Councilmember Rasansky requested that consent agenda items 15 and 21 be considered as individual items. Mayor Miller stated that consent agenda items 15 and 21 be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Griffith requested that consent agenda item 17 be considered as an individual item. Mayor Miller stated that consent agenda item 17 be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Griffith's request.

Councilmember Oakley requested that consent agenda item 20 be considered as an individual item. Mayor Miller stated that consent agenda item 20 be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Oakley's request.

Mayor Pro Tem Loza moved to approve all items on the consent agenda with the exception of consent agenda items 7, 13, 15, 17, 20, and 21, which would be considered later in the meeting.

Motion seconded by Councilmember Lill and unanimously adopted.

Later in the meeting, Mayor Pro Tem Loza moved to reconsider the consent agenda due to Councilmember Rasansky had a conflict of interest on consent agenda item 22.

Motion seconded by Councilmember Finkelman and unanimously adopted.

Mayor Pro Tem Loza moved to approve all items on the consent agenda with the exception of consent agenda items 7, 13, 15, 17, 20, 21 and 22, which would be considered later in the meeting.

Motion seconded by Councilmember Oakley and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1534

Item 2: Authorize a contract for the construction of a 108-inch water transmission line from Lake Fork to Lake Tawakoni, Section 3 – Oscar Renda Contracting, Inc., lowest responsible bidder of five - \$380,875,684 – Financing: Water Utilities – Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1535

Item 3: Authorize Supplemental Agreement No. 4 to the contract with APM & Associates, Inc., for redesign of five bridge supporting structures necessary to accommodate the access roadway realignment over the at-grade Union Pacific Railroad crossing from the South Central Access Improvements, Phase I - \$44,952, from \$419,039 to \$463,991 – Financing: 1995 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1536

Item 4: Authorize Supplemental Agreement No. 1 to the professional services contract with Chiang, Patel & Yerby, Inc. to provide interim reliability improvements for the Cadiz Pump Station and the Central Wastewater Treatment Plan feasibility study – Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1537

Item 5: Authorize (1) street paving and storm drainage improvements on Lillian Street from W. Eighth Street to W. Davis Street; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law, and (2) a benefit assessment hearing to be held on June 23, 2004, to receive citizens' comments – Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1538

Item 6: Authorize (1) street paving, storm drainage, water and wastewater main improvements for Street Group 03-439; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law, and (2) a benefit assessment hearing to be held on June 23, 2004, to receive citizens' comments – Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1539

Item 7: An ordinance granting renewal of a private license to Homer J. Rader, Jr. and 1810 Commerce Street, L.P. for the use of approximately 706 square feet of land to maintain the existing pedestrian tunnel under Jackson Street right-of-way located near its intersection with Prather Street – Revenue: \$1,000 annually plus the \$20 ordinance publication fee

Councilmember Greyson requested that consent agenda item 7 be considered as an individual item. Mayor Miller stated that consent agenda item 7 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Greyson's request.

Later in the meeting, agenda item 7 was brought up for consideration.

Councilmember Rasansky announced that he had a conflict of interest and would abstain from voting or participating in any discussion. Councilmember Rasansky left the city council chamber.

Councilmember Lill moved to pass the ordinance.

Motion seconded by Councilmember Finkelman and unanimously adopted. (Rasansky abstain; Hill absent when vote taken)

Assigned ORDINANCE NO. 25580.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1540

Item 8: An ordinance abandoning a portion of Hord Drive to Federico Aviles Nolasco and Maria Bertha Nolasco, the abutting owners, containing approximately 5,452 square feet of land located near its intersection with Moler Street, and authorizing the quitclaim – Revenue: \$6,024 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25581.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1541

Item 9: A ordinance abandoning a storm sewer easement to Worthing at Fitzhugh, L.P., the abutting owner, containing approximately 2,2721 square feet of land located near the intersection of Fitzhugh Avenue and Alcott Street, and authorizing the quitclaim – Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25582.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1542

- Item 10: An ordinance granting a license to Russell Publishing Group, Ltd., to install, operate and maintain self-service newsracks for the distribution of the Inform, Nu Image, Images and Dental Life publications upon those portions of the public rights-of-way within the City of Dallas that are not open to vehicular travel; providing for the terms and conditions of this ordinance; providing for the annual reimbursement to be paid to the City of Dallas; providing for the payment of the publication fee; and providing for an effective date for this ordinance.

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25583.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1543

Item 11: An ordinance amending Ordinance No. 25479 to correct the elevation specified in the property description for a subsurface area abandoned to Dallas County Community College District located in the Main Street right-of-way near its intersection with Market Street – Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 25584.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1544

Item 12: Authorize the purchase of automotive equipment from the lowest responsible bidders of seven – Southwest International Trucks, Inc., Dallas Mack Sales, LP, Masters International Trucks, Inc., and Sam Pack’s Five Star Ford – Not to exceed \$1,498,802 – Financing: 2003 Equipment Acquisition Contractual Obligation Notes

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1545

Item 13: Authorize a thirty-six-month service contract for parking lot cleaning with the lowest responsible bidder of seven – H & W Cleaning Systems, Inc. – Not to exceed \$195,800 – Financing: Current Funds

Councilmember Greyson requested that consent agenda item 13 be considered as an individual item. Mayor Miller stated that consent agenda item 13 be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Greyson's request.

Later in the meeting, agenda item 13 was brought up for consideration.

Councilmember Greyson moved to approve the item.

Motion seconded by Councilmember Chaney and unanimously adopted. (Rasansky absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1546

Item 14: Authorize the purchase of various construction and street equipment from the lowest responsible bidders of nine – Nations Rent of Texas, LP, Romco Equipment Co., STM Equipment, Inc. – Not to exceed \$1,0478,870 – Financing: Water Utilities Current Funds (\$426, 610), 2003 Equipment Acquisition Contractual Obligation Notes (\$622,260)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1547

Item 15: Authorize a twenty-four-month price agreement for concrete products with the lowest responsible bidders of two - Custom Crete and Southern Star Concrete, Inc. - Not to exceed \$5,681,866 - Financing: Current Funds (\$4,501,866), Water Utilities Current Funds (\$1,180,000)

Councilmember Rasansky requested that consent agenda item 15 be considered as an individual item. Mayor Miller stated that consent agenda item 15 be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, agenda item 15 was brought up for consideration.

Councilmember Garcia moved to approve the item.

Motion seconded by Councilmember Oakley and unanimously adopted. (Rasansky absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1548

Item 16: Authorize a thirty-six-month price agreement for hydrofluosilicic acid to fluoridate drinking water with the lowest responsible bidder of four - DPC Industries, Inc. - Not to exceed \$772,900 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1549

Item 17: Authorize a twenty-four-month service contract for security guard services with the lowest responsible bidder of seventeen - Ruiz Protective Service, Inc. - Not to exceed \$4,209,531 - Financing: Water Utilities Current Funds

Councilmember Griffith requested that consent agenda item 17 be considered as an individual item. Mayor Miller stated that consent agenda item 17 be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Griffith's request.

Later in the meeting, agenda item 17 was brought up for consideration.

The following individual addressed the city council regarding the contract:

Leonard Courtright, 38022 Wind Song Trace, Magnolia, representing Initial Security

Councilmember Fantroy moved to approve the item.

Motion seconded by Councilmember Salazar and unanimously adopted. (Rasansky absent when vote taken)

OFFICAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1550

Item 18: Authorize settlement of the lawsuit styled Maria DeLourdes Ipina v. City of Dallas, Cause No. 03-03197-H - \$13,000 – Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1551

Item 19: Authorize settlement in the lawsuit styled William Hurd v. Larry Joe Mitchell and the City of Dallas, Cause No. 02-14332-B - \$6,5000 – Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1552

Item 20: Authorize a professional services contract with I. Richard Levy, P.C., for legal services necessary in negotiations and potential litigation with Hanover Insurance Company regarding bonds involving the cable television franchise with Western Integrated Networks - \$150,000 – Financing: Current Funds

Councilmember Oakley requested that consent agenda item 20 be considered as an individual item. Mayor Miller stated that consent agenda 20 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Oakley's request.

Later in the meeting, agenda item 20 was brought up for consideration.

Councilmember Oakley moved to approve the item with the following change:

“To decrease from \$150,000 to \$50,000 the amount of the Professional Services Contract with I. Richard Levy, P.C., for legal services necessary in the negotiations and potential litigation with Hanover Insurance Company regarding bonds involving the cable television franchise with Western Integrated Networks”.

Motion seconded by Councilmember Finkelman and unanimously adopted. (Rasansky absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1553

Item 21: Authorize Supplemental Agreement No. 2 to the professional services contract with Economists. com for additional services necessary in negotiations with SBC Communications, Inc., regarding Voice Over Internet Protocol issues – Not to exceed \$100,000 from \$154,000 to \$254,000 – Financing: Current Funds

Councilmember Rasansky requested that consent agenda item 21 be considered as an individual item. Mayor Miller stated that consent agenda item 21 be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, agenda item 21 was brought up for consideration.

Councilmember Rasansky announced that he had a conflict of interest and would abstain from voting or participating in any discussion. Councilmember Rasansky left the city council chamber.

Mayor Pro Tem Loza moved to approve the item.

Motion seconded by Councilmember Salazar and unanimously adopted. (Rasansky abstain)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1554

Item 22: Authorize Supplemental Agreement No. 2 to the professional services contract with Robert W. Taylor, Attorney at Law, for additional legal services and related expenses necessary in the negotiations with SBC Communications, Inc., regarding Voice Over Internet Protocol issues - Not to exceed \$50,000, from \$70,000 to \$120,000 – Financing: Current Funds

Councilmember Rasansky requested that consent agenda item 22 be considered as an individual item. Mayor Miller stated that consent agenda item 22 be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, agenda item 22 was brought up for consideration.

Councilmember Rasansky announced that he had a conflict of interest and would abstain from voting or participating in any discussion. Councilmember Rasansky left the city council chamber.

Mayor Pro Tem Loza moved to approve the item.

Motion seconded by Councilmember Oakley and unanimously adopted. (Rasansky abstain)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1555

Item 23: A resolution (1) expressing opposition to possible recoupment by TXU Gas of expenses related to “poly 1 pipe” in Railroad Commission of Texas Gas Utilities Docket 9400 consolidated rate case and (2) authorizing the City Manager to request that TXU Gas provide certain information concerning the “poly 1 pipe” – Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1556

Item 24: Authorize a thirty-six-month site lease agreement, with one thirty-six-month renewal option, with Texas Instruments, Incorporated for antenna space on an antenna tower and equipment shelter space beneath the tower located at 13542 North Central Expressway – Financing: No cost consideration to the City of Dallas

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1557

Item 25: Incentives for Lavoι Corporation
Dbα EPI Breads

Note: Items Nos. 25 & 26 must be
considered collectively.

- * Authorize a public hearing to be held on May 26, 2004 to receive citizens' comments concerning the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code as revised effective September 1, 2003, and at the close of the public hearing consideration of (1) an ordinance authorizing the City's participation in the Texas Enterprise Zone Program (2) revision to the Public Private Partnership Guidelines to add one new unique incentive for enterprise zone projects, (3) designation of a liaison for communication with interested parties, and (4) nomination of Lavoι Corporation dbα EPI Breads at 4710 W. Ledbetter Drive as an Enterprise Zone Project-Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1558

Item 26: Incentives for Lavoι Corporation
Dbα EPI Breads

Note: Items Nos. 25 & 26 must be
considered collectively.

- * Authorize a public hearing to be held on May 26, 2004 to receive citizens' comments concerning the creation of City of Dallas Reinvestment Zone No. 60 located at 4710 W. Ledbetter Drive; and at the close of the public hearing consideration of (1) an ordinance creating City of Dallas Reinvestment Zone No. 60 and (2) a business personal property tax abatement agreement with Lavoι Corporation dbα EPI Breads – Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1559

Item 27: Authorize a modification to the loan documents between the Oak Cliff Foundation Inc. and the City of Dallas regarding the Texas Theatre project to extend the completion date to June 30, 2005, and provide for other matters relating thereto – Financing: No cost consideration to the City of Dallas

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1560

Item 28: Authorize payment to the North Central Texas Council of Governments for Dallas' participating in the second and final year development of a comprehensive drainage criteria and design manual for use in both municipal engineering and private development - \$54,606 – Financing: Current Funds (to be reimbursed from Storm Water Drainage Management Funds)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1561

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 29-31, was presented.

A public hearing was called on zoning cases on the consent zoning docket:

Agenda item 29: Zoning Case Z034-182 (DW)
Agenda item 30: Zoning Case Z034-184 (MM)
Agenda item 31: Zoning Case Z034-125 (RB)

In all zoning cases on the consent zoning docket, the city plan commission recommended approval of the proposed changes in zoning.

Appearing in opposition to the city plan commission's recommendation:

Frances James, 4322 St. Francis Ave., representing Buckner Terrace Homeowners Association, regarding Zoning Case Z034-125 (RB)
Carolyn Johnson, 5311 Banting Way, regarding Zoning Case Z034-125 (RB)

Appearing in favor of the city plan commission's recommendation:

Dallas Cothrum, 500 S. Ervay, Suite 112B, representing the applicant, regarding Zoning Case Z034-184(MM)
Terry Walker, 3244 S. Forney Rd., regarding Zoning Case Z034-125 (RB)
Linda Walker, 3244 S. Forney Rd., regarding Zoning Case Z034-125 (RB)
Karl Crawley, 500 S. Ervay St., representing the applicant, regarding Zoning Case Z034-125 (RB)

The following individuals addressed the city council regarding all items on the consent zoning docket:

William Hopkins, 2011 Leath St.
Marvin Crenshaw, 5134 Malcolm X Blvd.

Councilmember Thornton Reese moved to close the public hearing, accept the recommendation of the city plan commission in the consent zoning case and pass the ordinance and approve the resolution subject to revised development plans submitted by the applicant as presented as part of the consent zoning docket.

Motion seconded by Councilmember Fantroy and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1562

Item 29: Zoning Case Z034-182 (DW)

Zoning Case Z034-182 (DW), an application for and an ordinance granting an MF-2(A) Multifamily District on property zoned an R-10(A) Single Family District, located on the east side of Marsh Lane, north of Forest Lane

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 25585.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1563

Item 30: Zoning Case-Z034-184 (MM)

Zoning Case-Z034-184 (MM), an application for and an ordinance granting a Specific Use Permit for an Open Enrollment Charter School on property zoned an IR Industrial Research District, located on the west side of Forestgate Drive, north of Forest Lane.

(The city plan commission recommended approval, for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE 25585.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1564

Item 31: Zoning Case Z034-125 (RB)

Zoning Case Z034-125 (RB), an application for and an ordinance granting a CR Community Retail District, with retention of the Liquor Control Overlay, on property zoned an NS(A)-D Neighborhood Service District with Liquor Control Overlay and a resolution accepting an amendment to the existing deed restrictions on the northeast corner of Jim Miller Road and Forney Road.

(The city plan commission recommended approval, subject to amended deed restrictions volunteered by the applicant, with retention of the D Liquor Control Overlay.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO.25587.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1565

Item 32: Public Hearing - Zoning Case Z034-168 (WE)

A public hearing was called on Zoning Case Z034-168 (WE), an application for and an ordinance granting a Planned Development District for RR Regional Retail District uses with modifications to the sign regulations and termination of Specific Use Permit No. 98 for Quarrying and Mining operations on property zoned an IM Industrial Manufacturing District with Specific Use Permit No. 98 on the northeast corner of Cockrell Hill Road and Communication Drive.

(The city plan commission recommended approval subject to a development plan, landscape plan and conditions and approval of the termination of Specific Use Permit No. 98 for quarrying and mining operations.)

No one appeared in opposition to the city plan commission's recommendation.

Appearing in favor of the city plan commission's recommendation:

Peter Kavanagh, 1620 Handley Dr., representing the applicant

Councilmember Oakley moved to close the public hearing, accept the recommendation of the city plan commission for approval of a Planned Development District; with the following changes:

- 1) An attached sign may extend above a parapet wall.
- 2) The maximum projection of the three-dimensional sign is 12 feet from the building face, and it may be located on and above a roof, but not above the highest roof of the building.
- 3) The attached perpendicular sign may project no more than 60 inches from the building face; and pass the ordinance.

Motion seconded by Councilmember Garcia.

After discussion Mayor Miller called the vote on the motion.

Mayor Miller declared the motion adopted on a divided voice vote, with Councilmember Greyson, voting "No".

Assigned ORDINANCE NO. 25588 and ORDINANCE NO. 25589.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1566

Item 33: Public Hearing - Zoning Case Z034-177 (DW)

A public hearing was called on Zoning Case Z034-177 (DW), and application for and an ordinance granting an MU-1 Mixed Use District on property zoned an IR Industrial Research District located on the northwest side of Chemical Street, northeast of Farrington Street.

(The city plan commission recommended approval.)

No one appeared in opposition to the city plan commission's recommendation.

Appearing in favor of the city plan commission's recommendation:

Ben Britt, 1363 Chemical St.

Caroline Sorter, 2323 Bryan St., representing the applicant

Mayor Pro Tem Loza moved the close the public hearing, accept the recommendation of the city plan commission and pass the ordinance.

Motion seconded by Councilmember Lill and unanimously adopted.

Assigned ORDINANCE NO. 25590.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1567

Item 34: Public Hearing - Zoning Case Z034-178 (MJF)

A public hearing was called on Zoning Case Z034-178 (MJF), an application for and an ordinance granting a Planned Development Subdistrict for O-2 Office Subdistrict uses on property zoned an O-2 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, bounded by Pearl Street, Randall Street, McKinnon Street, and Wolf Street.

(The city plan commission recommended approval, subject to a development plan and conditions.)

No one appeared in opposition to the city plan commission's recommendation.

Appearing in favor of the city plan commission's recommendation.

Jerry Jackson, 901 Main St., representing Harwood International

Councilmember Lill moved to close the public hearing, accept the recommendation of the city plan commission and pass the ordinance.

Motion seconded by Councilmember Greyson and unanimously adopted.

Assigned ORDINANCE NO. 25591.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1568

Item 35: Public Hearing - Zoning Case Z034-179 (MJF)

A public hearing was called on Zoning Case Z034-179 (MJF), an application for and an ordinance granting a Planned Development Subdistrict for HC Heavy Commercial Subdistrict uses on property zoned an HC Heavy Commercial Subdistrict, within Planned Development District No. 193, the Oak Lawn Special Purpose District, with H/94 Historic Overlay No. 94, the St. Ann's Historic Overlay, bounded by Moody Street, Harwood Street, Wichita Street and Harry Hines Boulevard.

(The city plan commission recommended approval, subject to a conceptual plan and conditions with the retention of Historic Overlay No. 94.)

No one appeared in opposition to the city plan commission's recommendation.

Appearing in favor of the city plan commission's recommendation:

Jerry Jackson, 901 Main St., representing Harwood International

Councilmember Lill moved to close the public hearing, accept the recommendation of the city plan commission and pass the ordinance.

Motion seconded by Councilmember Greyson and unanimously adopted.

Assigned ORDINANCE NO. 25592.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1569

Item 36: Public Hearing - Zoning Case Z034-180 (MJF)

Teresa O'Donnell, director of development services, stated that in accordance with subparagraph (c)(2)(B) of Section 51A-4.701 of the development code, council approval of the application would require the favorable vote of three-fourths of all members of the council in that a written protect against the change in zoning had been signed by the owners of 20 percent or more of either the land in the area of the request or land within 200 feet of the area of the request, and the protect had been filed with the director of planning.

A public hearing was called on Zoning Case Z034-180 (MJF), an application for and an ordinance granting a Planned Development Subdistrict for LC Light Commercial Subdistrict uses on property zoned an LC Light Commercial Subdistrict and an O-2 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, located on the northeast side of Bookhout Street, southeast of Randall Street.

(The city plan commission recommended approval, subject to a conceptual plan and conditions.)

No one appeared in opposition to the city plan commission's recommendation.

Appearing in favor of the city plan commission's recommendation:

Jerry Jackson, 901 Main St., representing Harwood International

Councilmember Lill moved to close the public hearing, accept the recommendation of the city plan commission and pass the ordinance.

Motion seconded by Councilmember Greyson and unanimously adopted.

Assigned ORDINANCE NO. 25593.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1570

Item 37: Public Hearing - Zoning Case Z034-181 (MJF)

A public hearing was called on Zoning Case Z034-181 (MJF), an application for and a resolution accepting deed restrictions volunteered by the applicant on property zoned an I-2 Industrial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, located southwest of Harry Hines Boulevard on the southeast side of Payne Street and on either side of Caroline Street.

(The city plan commission recommended approval.)

No one appeared in opposition to the city plan commission's recommendation.

Appearing in favor of the city plan commission's recommendation:

Jerry Jackson, 901 Main St., representing Harwood International

Mayor Pro Tem Loza moved to close the public hearing, accept the recommendation of the city plan commission and pass the ordinance.

Motion seconded by Councilmember Greyson and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1571

Item 38: Public Hearing – Zoning Case Z034-183 (MJF)

DALLAS INDEPENDENT SCHOOL DISTRICT

A public hearing was called on Zoning Case Z034-183 (MJF), an application for and an ordinance granting an amendment to Specific Use Permit No. 1008 for a public school on property zoned an R-7.5(A) Single Family District located on the east side of Jim Miller Road, south of Elam Road and north of State Highway Loop 12.

(The city plan commission recommended approval, subject to a site plan and conditions.)

Councilmember Blaydes announced that he had a conflict of interest and would abstain from voting or participating in any discussion. Councilmember Blaydes left the city council chamber.

No one appeared in opposition to or in favor of the city plan commission recommendation.

Councilmember Fantroy moved to close the public hearing, accept the recommendation of the city plan commission and pass the ordinance.

Motion seconded by Councilmember Thornton Reese and unanimously adopted. (Blaydes abstain)

Assigned ORDINANCE NO. 25594.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1572

Item 39: Public Hearing - Zoning Case Z034-120 (RB)

A public hearing was called on Zoning Case Z034-120 (RB), an application for and an ordinance granting an amendment to the Conceptual Plan and conditions for Planned Development District No. 174 for Retirement housing, Assisted living, Convalescent and nursing home, Multiple family, Hotel, Office, Game court center, Private recreation club, Private club, Medical clinic, Electrical substation, and those uses permitted as limited uses in an Office 2 District located on the west corner of Lemmon Avenue and Carlisle Street.

(The city plan commission recommended approval, subject to a conceptual plan, Phase I development plan, and conditions. This item was considered by the City Council at a public hearing on March 24 and April 28, 2004, and was held under advisement until May 12, 2004, with the public hearing open.)

Appearing in opposition to the city plan commission's recommendation:

Robert Edsel, 3601 Turtle Creek
Stephen Park, 3321 Cole Ave.

Appearing in favor of the city plan commission's recommendation:

William Cothrum, 500 S. Ervay St., representing the applicant
Phil Henderson, 3600 Congress Ave.

The following individual addressed the city council regarding Zoning Case Z034-120(RB):

Albert Parker, 6319 Elam Rd.

Councilmember Lill moved to close the public hearing, over rule the recommendation of the city plan commission and deny the application without prejudice.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted. (Thornton Reese absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1573

Item 40: Public Hearing - Zoning Case Z023-145 (WE)

A public hearing was called on Zoning Case Z023-145 (WE), an application for and an ordinance granting a Specific Use Permit for an Alcoholic Beverage Establishment use for a bar, lounge or tavern and a Commercial Amusement (inside) use for a Class A Dance Hall on property zoned a CR-MD-1 Community Retail District with a Modified Delta Overlay on Greenville Avenue and Sears Street, northwest corner.

(The city plan commission recommended approval, for a two-year period, subject to a site plan, and conditions. This item was considered by the City Council at a public hearing on March 24, 2004, and was held under advisement until May 12, 2004, with the public hearing open.)

No one appeared in opposition to or in favor of the city plan commission recommendation.

Mayor Pro Tem Loza moved to postpone the application until the June 23, 2004 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Councilmember Rasansky and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1574

Item 41: MISCELLANEOUS HEARING

A public hearing to receive citizens' comments in preparation of the FY 2004-05 Operating, Capital, Grant and Trust budgets - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the FY 2004-05 Operating, Capital, Grant and Trust budgets:

Frank Ward, P.O. 50694

Mary Francis Hansen, 18352 Dallas Pkwy., representing Senior Affairs Commission

Sydney Kay, 5718 Harvest Hill Rd., representing Senior Affairs Commission

Virgil St. Clair, 9952 Vistadale Dr., representing Senior Affairs Commission

Albert Parker, 6319 Elam Rd.

Williams Hopkins, 2011 Leath St.

Marvin Crenshaw, 5134 S. Malcolm X Blvd.

Councilmember Greyson moved to close the public hearing.

Motion seconded by Councilmember Chaney and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1575

Item 42: Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

The city secretary distributed a report showing all nominations and re-nominations received for city board and commission appointments for the 2003-2005 board term updated through May 12, 2004.

The city secretary noted that the report indicated nominees and re-nominees for individual appointments cleared for council action that met all special qualifications for service.

Councilmember Salazar moved to appoint Kneeland Youngblood and John Peavy, III, to the Employees' Retirement Fund Board of Trustees.

Motion seconded by Councilmember Rasansky and unanimously adopted.

Councilmember Garcia moved to appoint all the nominees to "individual" positions in the report who meet all qualifications for service to the boards and commissions of the city for the term ending August 31, 2005.

Motion seconded by Councilmember Griffith and unanimously adopted.

[Information on each newly-appointed member is located in the file shown next to the name of the board.]

04-1591 BOA BOARD OF ADJUSTMENT

04-1592 ERF EMPLOYEES' RETIREMENT FUND BOARD OF TRUSTEES

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1576

Item 42B: Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

Financial Disclosure Report

The city secretary read the names of board and commission members that failed to timely and completely file the financial disclosure report in accordance with Chapter 12A, "Code of Ethics," of the Dallas City Code.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1577

Item 43: Authorize hardship relief for property located at 1231 Stevens Ridge Drive from the Ft. Worth Avenue moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties within 1,000 feet of the north or south right-of-way line of Ft. Worth Avenue, from the centerline of West Davis Street to the centerline of Beckley Avenue - Financing: No cost consideration to the City

The following individual addressed the city council regarding the item.

James Templeton, 2505 Wedglea Dr., representing Beverly Hills Congregation of Jehovah's Witnesses

Councilmember Oakley moved to approve the item.

Motion seconded by Councilmember Garcia and unanimously adopted. (Finkelman absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1578

Item 44: An ordinance abandoning a portion of a water easement to Dallas Independent School District, the abutting owner, containing approximately 14,737 square feet of land located near the intersection of Polk Street and Hogan Drive, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Councilmember Blaydes announced that he had a conflict of interest and would abstain from voting or participating in any discussion. Councilmember Blaydes left the city council chamber.

Councilmember Fantroy moved to pass the ordinance.

Motion seconded by Councilmember Oakley and unanimously adopted. (Blaydes abstain: Salazar, Finkelman absent when vote taken)

Assigned ORDINANCE NO. 25595.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1579

Item 45: Authorize a resolution in support of the Dallas Housing Finance Corporation tax-exempt bonds and 4% tax credits for the new construction of 144 multifamily units for families to be known as the Masters Road Apartments located at 1180 N. Masters Road at the intersection of Masters Road and Lake June on the east side of Masters and south side of Lake June Road - Financing: No cost consideration to the City

Councilmember Fantroy moved to approve the resolution with the following change:

“Section 3(1) of the resolution increasing the minimum amount to be spent on social services annually from \$28,800 to \$43,200”.

Motion seconded by Deputy Mayor Pro Tem Hill.

After discussion Mayor Miller called the vote on the motion.

Mayor Miller declared the motion adopted on a divided voice vote, with Councilmembers Greyson and Rasansky voting “No”.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1580

Item 46: Authorize a contract for furniture and fixtures for the Arcadia Park Branch Library located at 1302 N. Justin Avenue - Libra-Tech Corporation, lowest responsible bidder of two - \$196,185 - Financing: 2003 Bond Funds

Councilmember Salazar moved to approve the item.

Motion seconded by Councilmember Chaney and unanimously adopted. (Miller, Rasansky absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1581

Item 47: Authorize a first amendment to the lease with J. C. Aviation Investments, Inc. to add approximately 21,967 square feet of unimproved land, increase the capital expenditure obligation by \$100,000, provide a twelve-month option to lease approximately 100,000 square feet of unimproved land located adjacent to the leased premises for an option fee of 10% of the prevailing unimproved ground rental rate, and authorize a new lease for this option land should J.C. Aviation exercise its option at Dallas Executive Airport - Revenue: \$4,156 annually

Councilmember Fantroy moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Hill and unanimously adopted. (Miller, Rasansky absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1582

Item 48: Authorize a five-year concession services contract for parking services at Dallas Love Field Airport with the most advantageous proposer of two - Parking Company of America - Dallas, Inc. - Estimated Annual Revenue: \$6,602,000 (minimum annual guarantee)

Mayor Miller called a recess of the meeting in order that the city council could meet in executive session under Section 511.071 of the Texas Government Code (Texas Open Meetings Act) to confer with the city attorney.

Following the executive session the city council reconvened in open session.

Councilmember Garcia moved to approve the item.

Motion seconded by Councilmember Griffith and unanimously adopted. (Rasansky absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1583

Item 49: An ordinance granting renewal of a private license to F/P/D Fee Associates, L.P. for the use of approximately 1,277 square feet of land to maintain the existing pedestrian tunnel under Pacific Avenue right-of-way located near its intersection with St. Paul Avenue - Revenue: \$2,223 annually plus the \$20 ordinance publication fee

Councilmember Lill moved to pass the ordinance.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted. (Rasansky absent when vote taken)

Assigned ORDINANCE NO. 25596.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1584

Item 50: Authorize (1) proposed Procedural Order No. 03-2-1-JR related to the posting of bail bonds by attorneys and the manner of taking a forfeiture of such bonds in the City of Dallas Municipal Court, (2) the addition of two positions to support the implementation of the program, (3) an increase in appropriations in the amount of \$87,531 in Court and Detention Services expenditure budget, and (4) an increase in appropriations in the amount of \$87,531 in Court and Detention Services revenue budget – Total not to exceed \$87,531 – Financing: Current Funds (Estimated Revenue: \$87,531)

Councilmember Blaydes moved to approve the item.

Motion seconded by Councilmember Salazar and unanimously adopted. (Rasansky absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1585

Closed Session

Attorney Briefings (Sec. 551.071 T.O.M.A.)

- Legal issues involving Dallas Love Field parking concession contract
- Legal issues involving the 84" pipeline rupture at White Rock Lake

A closed session was held as authorized by Chapter 551, "OPEN MEETINGS," of the (Texas Open Meetings Act) to discuss the following matters:

Attorney Briefings (Sec. 551.071 T.O.M.A.)

- Legal issues involving Dallas Love Field parking concession contract
- Legal issues involving the 84" pipeline rupture at White Rock Lake

No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1586

Addendum addition 1: Authorize the purchase of one analog tube type transmitter and two solid-state digital transmitters to improve the clarity of the WRR radio broadcast coverage from the lowest responsible bidder of four - Harris Corporation - Not to exceed \$426,505 - Financing: WRR Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1587

Addendum addition 2: Authorize debt service payments to J. P. Morgan Chase Bank on a first lien mortgage secured by property on 2939 E. Ledbetter acquired from United Front of Dallas, Inc. by the City via foreclosure of its junior lien and a forbearance arrangement with the first lien holder, J.P. Morgan Chase Bank - Not to exceed \$407,000 - Financing: Current Funds (subject to annual appropriations)

Councilmember Rasansky announced that he had a conflict of interest and would abstain from voting or participating in any discussion. Councilmember Rasansky left the city council chamber.

Deputy Mayor Pro Tem Hill moved to approve the item.

Motion seconded by Councilmember Chaney and unanimously adopted. (Rasansky abstain)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1588

Addendum addition 3: A resolution suspending enforcement of Section 51A-4.602(b)(6) as applied to that side of a garbage storage area facing onto a parking lot of a multifamily use (Deputy Mayor Pro Tem Hill, Councilmembers Griffith, Blaydes, Chaney, Greyson, Rasansky, Finkelman, and Lill via Mayor Miller)

Councilmember Blaydes moved to approve the resolution.

Motion seconded by Councilmember Salazar and unanimously adopted. (Rasansky absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1589

Addendum addition 4: A resolution (1) supporting the recommendations in the May 5, 2004 report of the City of Dallas Employees' Retirement Fund Study Committee which include: (a) an increase in employee and employer contribution rates effective October 1, 2005 based upon the December 2004 Valuation Report, (b) automatic pro rata adjustments to future contribution rates beginning October 1, 2006 and every year thereafter if required by the Fund's actuarial valuation (subject to limitations included in the recommendations), (c) issuance of Pension Obligation Bonds in FY 2004-05 in an amount equal to the 2003 unfunded actuarial accrued liability, (d) expanding the number of members on the Employees' Retirement Fund Board of Directors from five to seven and (e) a city-wide election in FY 2004-05 to amend Chapter 40A of the Dallas City Code and (2) authorizing the City Manager to present the recommendations at the next meeting of the Texas Pension Review Board - \$14,600,000 in FY 2005-06 - Financing: Current Funds (subject to annual appropriations)

Councilmember Finkelman moved to approve the resolution with the following change:

“Section 2. That the City Council intends to implement the ERF Study and Committee recommendations by: (1) amending the Chapter 40A of the Dallas City Code, pursuant to its terms; and (2) the issuance of Pension Obligation Bonds in an amount not to exceed the unfunded, accrued liability of the Fund, currently estimated to be \$535 Million.”

Motion seconded by Councilmember Lill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 12, 2004

04-1590

Addendum addition 5: Authorize a first amendment to the lease with Love Partners, Inc. to delete 475 square feet of improved land, add 7,500 square feet of improved land, provide a ten-year option to lease approximately 44,434 square feet of unimproved airside land located adjacent to the leased premises at 10% of the prevailing unimproved ground rental rate at Dallas Love Field, and assignment of the lease to Reeves Street, LLC - Revenue: \$4,653 annually including the option fee

The following individual addressed the city council regarding the item:

Harold Ginsburg, 2610 Fairmount St.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Oakley and unanimously adopted.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 12, 2004

EXHIBIT C

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS